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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,888	06/09/2000	Anand G. Dabak	TI-29324	4728
23494	7590	04/18/2006	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			RYMAN, DANIEL J	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/591,888

Applicant(s)

DABAK, ANAND G.

Examiner

Daniel J. Ryman

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection; whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because: Applicant first asserts, on page 11 of the Response, that "there is no suggestion to combine the teaching of Jalali et al. with the teaching of Dent et al. to produce the present invention." Examiner, respectfully, disagrees. Jalali explicitly teaches multiplying (masking) a repeated PN code by a scrambling code (long code) in order to produce a preamble (col. 6, lines 40-53). However, this disclosure does not teach the exact relationship of the length of the repeated PN code and the length of the long code. Dent teaches, in a CDMA communication system, that scrambling masks have the same length as the codewords to which they are combined (col. 10, lines 1-7). This suggests that the scrambling masks have the same length as the underlying information to be scrambled. In addition, it is generally considered to be within the ordinary skill in the art to adjust, vary, select, or optimize the numerical parameters or values of any system. As such, absent a showing of criticality by Applicant, it would have been obvious to one of ordinary skill in the art to pick any length scrambling code. Therefore, since Jalali fails to disclose the exact relationship of the length of the repeated code and the length of the long code, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to have the length of the repeated PN code sequence and the length of the long code be equal in view of Dent's teaching and the fact that it is generally considered to be within the ordinary skill in the art to adjust, vary, select, or optimize the numerical parameters or values of any system.

In addition, on page 11 of the Response, Applicant asserts that "Examiner has not suggested how any combination of Jalali et al. and Dent et al. might produce good resolution of coded preambles transmitted from different distances and at significant velocities as taught by the present invention." Examiner, respectfully, submits that Examiner is not required to show that the combination reasonably produces "good resolution of coded preambles transmitted from different distances and at significant velocities" since this is the non-claimed intended use of Applicant's invention. Rather, Examiner only has to show that it is reasonably expected that a system which multiplies a repeated PN code by a scrambling mask of the same length as the repeated sequence will operate properly. Here Jalali explicitly discloses that the repeated PN code is multiplied by the scrambling mask. As such, the multiplication is presumed to operate since it is illogical that Jalali would require something that would make the system inoperable. Dent discloses that scrambling masks have the same length as the underlying information to be scrambled. The scrambling of information by using a scrambling of the same length as the underlying information is presumed to operate since it is illogical that Dent would require this step if it rendered the system inoperable. Since Jalali suggests that the multiplication of repeated code words with a scrambling mask is operable, and since Dent suggests that multiplication of a scrambling mask of the same length as the information to be scrambled is operable, the combination of Jalali and Dent suggests that there is a reasonable expectation of success for multiplication of repeated code words with a scrambling mask of the same length as the repeated code words.

Finally, Applicant asserts, on page 12 of the Response, that Jalali fails to disclose that "the spread code has a length equal to a length of the scrambling code." And that Dent fails to disclose "a selected orthogonal code repeated a selected number of repetitions." Examiner, respectfully, asserts that Applicant is arguing against references individually when the rejection is based on a combination of references. Here, Dent discloses that "the spread code has a length equal to a length of the scrambling code" whereas Jalali discloses "a selected orthogonal code repeated a selected number of repetitions" as outlined above. As such, while each individual reference may not contain all of the limitations in the claim, the combination of the individual references does contain all of the limitations.

In view of the foregoing, Examiner maintains that the claims are obvious in view of the cited prior art.